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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,149

09/25/2006

Tetsuro Shimamura

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EXAMINER

JEN, MINGJEN

ART UNIT

PAPER NUMBER

3664

MAIL DATE

DELIVERY MODE

11/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,149	<b>Applicant(s)</b> SHIMAMURA, TETSURO	
	<b>Examiner</b> IAN JEN	<b>Art Unit</b> 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/25/2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/25/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is response to the amendment filed on August 25<sup>th</sup>,2008
2. Claims 1 - 16 are pending in current application.
3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claim must be shown or the feature(s) canceled from the claim(s) 3, 4. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, 5, the phrase, time information relating to a time", does not distinctly and particularly point out what and which information is the time information that applicant is referring to and the subject matter of time information.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**8.** Claims 1- 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida (US Pat No 5699056) in view of Myochin (US Pat Pub No 2005/0053310).

As per Claim 1, 5, Yoshida shows a map information display control device which control a display unit to display the map information ( Fig 2, Fig 3, Col 9, lines 55- Col 12, lines 20 ), comprising: a map information acquirer which acquires map information ( Fig 2, GPS receiver 22, receiver 12) ; an information acquirer which acquires map component information forming the map information with at least one of traffic information relating to a traffic status or feature information relating to a feature ( abstract, Fig 3, accident button 31A, traffic jam button 31B; Col 13, lines 40 – Col 15, lines 50, Fig 18); a time information acquirer which acquires time information relating to a time when the map component information is acquired ( Fig 15, Step 102, 104; Col 5, lines 20 - 60 ); a timer which counts an elapsed time up to a current time based on the time information ( Fig 15, Step 101, Col 5, lines 45 – Col 6, lines 30, clocking means, claim 10 ); display controller, map information, map component information, elapsed time period, predetermined time period (Fig 2, Fig 3, Col 9, lines 55- Col 12, lines 20 ); information containing time information relating to a time when the map component information is generated ( Fig 15, Step 101, Col 5, lines 45 – Col 6, lines 30, clocking mean ). Yoshida does not show a controller superpose the information relating to the time having exceeded a time period on information in a display pattern with higher transparency than the information relating to time not having exceeded the time period; time information relating to a time when the map component information is acquired.

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Myochin shows controller superpose the information relating to the time having exceeded a time period on information in a display pattern with higher transparency than the information relating to time not having exceeded the time period (See Fig 8, Time information 13A, Mask Transmittance Information 13B; Para 0050, 0051, 0053; Para 0139, 0144-0146; See Fig 9, S210 – S212; Para 0201, timer of timing section 135H).

It would have been obvious for one of ordinary skill in the art, to provide transparency means with respect to time, as taught by, to Myochin, in order to provide improved visual signification at the time of the invention

As per Claim 2, 6, Yoshida shows the display controller changes the display pattern of the map component information of the information relating to the elapsed time having exceeded the predetermined time period ( Fig 15, Step 101, Step 102; Col 2, lines 20 – 55; Col 4, lines 20 – 45 ).

As per Claim 3, 4, Yoshida shows the time information acquirer associates the time information with the map component information to generate a single piece of information and acquires the current time counted by the timer at a time when the information acquirer acquires the map component information as the time information ( Fig 15, Step 101, Col 5, lines 45 – Col 6, lines 30, clocking means, claim 10 ).

As per Claim 7 – 10, Yoshida shows a map information storage which stores the map information; and an information storage which can store plural pieces of information, in each

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piece the map component information and the time information being associated; the information storage stores the plural pieces of information by associating unique identification information with each type of the map component information and the plural pieces of information by associating unique identification information with each type of the map component information. ( Fig 9, Center Computer 50, Fig 17, area id with respect to area id with preceding data, time, position, vehicle speed; Col 15, lines 20 – Col 16, lines 65; Col 17, lines 35 – col 19, lines 55 ).

As per Claim 11, 12, Yoshida shows when information acquirer acquires map component information same as one of stored plural pieces of information, information storage conducts an updating by replacing the one of stored plural pieces of information with one piece of information associated with time information corresponding to the same map component information (Fig 8, transmitter 41, Fig 9, transmitter 51, Fig 62.63).

As per Claim 13, 14, Yoshida shows when recognizing the updating the display controller displays the map component information relating to the replaced information in a different pattern from the other map component information (Fig 9, Center Computer 50, Fig 17, area id with respect to area id with preceding data, time, position, vehicle speed; Col 15, lines 20 – Col 16, lines 65; Col 17, lines 35 – col 19, lines 55).

As per Claim 15, 16 Yoshida shows the display controller. Yoshida does not show controller displays such that a difference in transparency becomes large as the elapsed time become long. Myochin shows controller displays such that a difference in transparency becomes

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large as the elapsed time becomes long. (See Fig 8, Time information 13A, Mask Transmittance Information 13B; Para 0050, 0051, 0053; Para 0139, 0144-0146; See Fig 9, S210 – S212; Para 0201, timer of timing section 135H).

It would have been obvious for one of ordinary skill in the art, to provide transparency means with respect to time, as taught by, to Myochin, in order to provide improved visual signification at the time of the invention

### ***Response to Arguments***

9. Applicant's arguments, see Page 13, 14, filed August 25<sup>th</sup>,2008, with respect to the rejection(s) of claim(s) 1- 16 under 35 U.S.C. 103(a) as being unpatentable over Yoshida (US Pat No 5699056) in view of Berezovsky ( US Pat No 6175313 ) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yoshida (US Pat No 5699056) in view of Berezovsky ( US Pat No 6175313 )

4. In response to applicant's remark states Yoshida does not show time information relating to a time when the map component information is acquired and generated. Applicant's attention is directed to Fig 15, Step 101, Col 14,lines 18 – 40, where the time information, which relating to a time, is transmitted for each predetermined time period, which time information is attached to the transmitted map data. Applicant's attention is further directed to information processor 10, where each vehicle ID with respect to multiple vehicles is processed with respect to time data, the acquisition time, obtained from timer. Further, in response to applicant's remark states



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Yoshida does not show time information, Applicant's attention is directed to MPEP § 2111, where states during patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." >The Federal Circuit's *en banc* decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation" standard: The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004). Indeed, the rules of the PTO require that application claims must "conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description." 37 CFR 1.75(d)(1). 415 F.3d at 1316, 75 USPQ2d at 1329. See also< *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969) (Claim 9 was directed to a process of analyzing data generated by mass spectrographic analysis of a gas. The process comprised selecting the data to be analyzed by subjecting the data to a mathematical manipulation. The examiner made rejections under 35 U.S.C. 101 and 102. In the 35 U.S.C. 102 rejection, the examiner explained that the claim was anticipated by a mental process augmented by pencil and paper markings. The

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court agreed that the claim was not limited to using a machine to carry out the process since the claim did not explicitly set forth the machine. The court explained that "reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from 'reading limitations of the specification into a claim,' to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim." The court found that applicant was advocating the latter, i.e., the impermissible importation of subject matter from the specification into the claim.). See also *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification."), where applicant's fully definition of time information is recited in claim 3. Where claim 1, 5, possess broader interpretation then applicant's claim 3.

**10.** In response to applicant's remark states Berezovsky does not show the recited claims 1, 5 limitations. A newly recited reference, Myochin (US Pat Pub 2005/0053310), is provided.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IAN JEN whose telephone number is (571) 270-3274. The examiner can normally be reached on Monday - Friday 9:00-6:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ian Jen/  
Examiner, Art Unit 3664  
/KHOI TRAN/  
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